

§ 90-187.8. Discipline of licensees.

(a) Upon complaint or information, and within the Board's discretion, the Board may revoke or suspend a license issued under this Article, may otherwise discipline a person licensed under this Article, or may deny a license required by this Article in accordance with the provisions of this Article, Board rules, and Chapter 150B of the General Statutes. As used in this section, the word "license" includes a license, a limited license, a veterinary faculty certificate, a zoo veterinary certificate, and a registration of a veterinary technician, a veterinary student intern, and a veterinary student preceptee.

(b) The Board may impose and collect from a licensee a civil monetary penalty of up to five thousand dollars (\$5,000) for each violation of this Article or a rule adopted under this Article. The clear proceeds of these civil penalties shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

The amount of the civil penalty, up to the maximum, shall be determined upon a finding of one or more of the following factors:

- (1) The degree and extent of harm to the public health or to the health of the animal under the licensee's care.
 - (2) The duration and gravity of the violation.
 - (3) Whether the violation was committed willfully or intentionally or reflects a continuing pattern.
 - (4) Whether the violation involved elements of fraud or deception either to the client or to the Board, or both.
 - (5) The prior disciplinary record with the Board of the licensee.
 - (6) Whether and the extent to which the licensee profited by the violation.
- (c) Grounds for disciplinary action shall include but not be limited to the following:
- (1) The employment of fraud, misrepresentation, or deception in obtaining a license.
 - (2) An adjudication of insanity or incompetency.
 - (3) The impairment of a person holding a license issued by the Board, when the impairment is caused by that person's use of alcohol, drugs, or controlled substances, and the impairment interferes with that person's ability to practice within the scope of the license with reasonable skill and safety and in a manner not harmful to the public or to animals under the person's care.
 - (4) The use of advertising or solicitation which is false, misleading, or deceptive.
 - (5) Conviction of a felony or other public offense involving moral turpitude.
 - (6) Incompetence, gross negligence, or other malpractice in the practice of veterinary medicine.
 - (7) Having professional association with or knowingly employing any person practicing veterinary medicine unlawfully.
 - (8) Fraud or dishonesty in the application or reporting of any test for disease in animals.
 - (9) Failure to keep veterinary premises and equipment in a clean and sanitary condition, violating an administrative rule of the Board concerning the minimum sanitary requirements of veterinary hospitals, veterinary clinics, or other practice facilities, or violating other State or federal statutes, rules, or regulations concerning the disposal of medical waste.
 - (10) Failure to report, as required by the laws and regulations of the State, or making false report of, any contagious or infectious disease.

- (11) Dishonesty or gross negligence in the inspection of foodstuffs or the issuance of health or inspection certificates.
- (12) Conviction of a criminal offense involving cruelty to animals or the act of cruelty to animals.
- (13) Revocation of a license to practice veterinary medicine by another state, territory or district of the United States only if the grounds for revocation in the other jurisdiction would also result in revocation of the practitioner's license in this State.
- (14) Unprofessional conduct as defined in regulations adopted by the Board.
- (15) Conviction of a federal or state criminal offense involving the illegal use, prescription, sale, or handling of controlled substances, other drugs, or medicines.
- (16) The illegal use, dispensing, prescription, sale, or handling of controlled substances or other drugs and medicines.
- (17) Failure to comply with regulations of the United States Food and Drug Administration regarding biologics, controlled substances, drugs, or medicines.
- (18) Selling, dispensing, prescribing, or allowing the sale, dispensing, or prescription of biologics, controlled substances, drugs, or medicines without a veterinarian-client-patient relationship with respect to the sale, dispensing, or prescription.
- (19) Acts or behavior constituting fraud, dishonesty, or misrepresentation in dealing with the Board or in the veterinarian-client-patient relationship. (1903, c. 503, s. 10; Rev., s. 5436; C.S., s. 6759; 1953, c. 1041, s. 16; 1961, c. 353, s. 7; 1973, c. 1106, s. 1; c. 1331, s. 3; 1981, c. 767, ss. 12, 13; 1987, c. 827, s. 1; 1993, c. 500, s. 15; 1998-215, s. 136.)